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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joel Zdepski

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OPTV/MEYERTONS

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/885,793	Applicant(s) ZDEPSKI, JOEL	
	Examiner ANNAN Q. SHANG	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-26, 28-42, 44-61 and 63-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-26, 28-42, 44-61 and 63-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9, 11-26, 28-42, 44-61 and 63-80 have been considered but are moot in view of the new ground(s) of rejection discussed below.

With respect to the rejection of the last office action mailed on 02/08/08, Applicant amends the claims and adds new claims and further argues that the prior arts of record do not teach the claims limitations; i.e., "...executing a script which generates one or more automatic selections associated with the opportunity and comprising input to the interactive application that triggers provision of said added content, the input being input that would otherwise be received responsive to a viewer's..." (see page 16/25+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's amends and arguments, however, Shoff discloses that, "An icon 204 is display at the lower right corner of the screen to inform the viewer that the program 202 is interactive (figs.8a+, col.9, lines 41+) "As long as the viewer does not activate the icon 204, the viewer computing unit continues to receive the video program over the selected channel and display that program alone, without any supplemental content (steps 166 and 168 in FIG. 6). If the viewer decides to enter into an interactive mode, the viewer employs a remote control...This causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure (step 170 via the "yes" branch from step 164)." The flow chart, Figs.6-7, clearly shows that the computing unit processor

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goes through step 170 to step 186 and further teaches providing multiple levels of added content either upon selection or automatically provided by the storage unit of VCU or the headend (figs.6-9, col.4, lines 27-34, col.9, line 41-col.10, line 10 and line 24-col.12, line 38). As further illustrates in fig.6-7, steps 182-186 is a continuous process where the viewer computing unit (VCU) continuously receives and presents supplemental information (“...automatic selections associated with the opportunity and comprising input to the interactive application...”) with the video program (col.10, line 34-col.12, line 38). Hence Applicant’s amendments do not overcome the prior arts of record. The amendment to the claims necessitated the new ground(s) of rejection as discussed below. **This office action is made Final.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11-26, 28-42, 44-61 and 63-80, are rejected under 35 U.S.C. 102(e) as being anticipated by **Shoff et al (6,240,555)**.

As to claim 1, note the **Shoff** reference figures 2 and 8, interactive entertainment system (ITV-System 20, fig.2 and 4) for presenting supplemental interactive content together with continuous video programs and further discloses a method of script usage in an interactive television system comprising:

Executing an interactive application 'IAP' where the IAP is configured to provide the added content (figs.2, 5, Processor 92 of Viewer Computing Unit 'VCU' 24 or STB 26, col.4, lines 14-34, line 56-col.5, line 23 and col.8, lines 4-34), note that VCU/STB 24/26 receives the TV program, the supplemental interactive content, an interactive icon "script" and the interactive application, via Head end 22, a television broadcaster and web content provider (col.4, lines 14-21 and line 43-col.5, line 1+), stores in memory (94/96, coupled to Tuner 98/100, fig.5, col.8, lines 4-38) and Processor 92 "a network communications operator," retrieves these contents and execute IAP to provide TV program, the icon and supplemental content accordingly on display 200 (figs.8a-8c, col.8, lines 38-61 and col.10, line 59-col.11, line 1+);

Providing an opportunity (Processor 92 displays Icon 204, other indicia, fig.8 and col.9, lines 30-53) for display of added content (Supplemental Interactive content, col.5, line 12-33), where provision of the added content is configured to be triggered by one or more user selections (Remote Control, mouse, etc., col.4, lines 27-34 and col.9, lines 54-59); note that the icon, other indicia on the screen informs the viewer that the program is interactive or includes supplemental content;

Executing a script which generates one or more automatic selections associated with the opportunity, the automatic selections comprising input to the interactive

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application that triggers provision of the added content, the input being input that would otherwise be received responsive to a viewer's active interaction, providing the added content for display in response to detecting the automatic selections (figs.6-9, col.4, lines 27-34, col.9, line 41-col.10, line 10 and line 24-col.12, line 38); note that the viewer unit (VCU), generating one or more automatic selections associated with the opportunity (see flow chart figs.6-7 and figs.8a-8c) and upon a user activating icon 204.

Furthermore, activating the script or Icon 204 displays the supplemental content as partly overlaid on the video program, or provided as a wrapper around or along side the program and automatic displays additional buttons 212-221 and second tier of information which are synchronized to the program according to timing information.

As to claim 7, Shoff further discloses where the icon is configured to provide at least one of the one or more automatic selections associated with the opportunity at a predetermined time (col.9, lines 41-49 and col.11, lines 21-24 and line 48-col.12, line 1+).

As to claim 8 and 9, Shoff further discloses where the added content is pushed content (col.9, line 54-col.10, line 17 and line 50-col.11, line 1+).

As to claim 9, Shoff further discloses where the script is configured to retrieve either one or more automatic selections or the one or more user selections from the message queue in a repeated manner and where the interactive application is configured to determine whether one or more automatic selections exists by accessing the message queue (col.9, line 54-col.10, line 17 and line 50-col.11, line 1+).

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As to claim 11, Shoff further discloses where the script is dynamically created in a user STB based on user preferences (col.4, line 56-col.5, line 23, col.10, line 53-col.11, line 44).

As to claim 12, Shoff further discloses indicating default script usage preferences and storing the preferences (col.10, line 59-col.11, line 33).

As to claim 13, Shoff further discloses the method further comprises: identifying a particular future program; associated one or more script usage preferences with the identified program; and storing the preferences (col.4, line 56-col.5, line 23, col.10, line 53-col.11, line 44 and line 48-col.12, line 30).

As to claim 14, Shoff further discloses where the icon is downloaded and the input to the interactive application is not included in the script (col.10, line 53-col.11, line 44 and line 48-col.12, line 30).

As to claim 15, Shoff further discloses where a receiver is configured to dynamically create the script and execute the script to generate the one or more automatic selections (col.10, line 53-col.11, line 44 and line 48-col.12, line 30).

Claim 16 is met as previously discussed with respect to claims 1-2.

Claims 17-18 are met as previously discussed with respect to claim 9.

As to claim 19, the claimed “a carrier medium comprising program instructions, where the program instructions are executable to...” contains the same structural elements as rejected claim 1.

Claim 20 is met as previously discussed with respect to claim 2.

Claim 21 is met as previously discussed with respect to claim 4.

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Claim 22 is met as previously discussed with respect to claim 5.

Claim 23 is met as previously discussed with respect to claim 6.

Claim 24 is met as previously discussed with respect to claim 7.

Claim 25 is met as previously discussed with respect to claim 8.

Claim 26 is met as previously discussed with respect to claim 9.

Claim 28 is met as previously discussed with respect to claim 11.

Claim 29 is met as previously discussed with respect to claim 12.

As to claim 30, Shoff further discloses where the icon is downloaded and the input to the interactive application is not included in the script (col.8, lines 35-51, col.10, line 53-col.11, line 44 and line 48-col.12, line 30).

As to claim 31, Shoff further discloses where a receiver is configured to: dynamically create the script and execute the script to generate the one or more automatic selections (col.9, lines 35-65, col.10, line 53-col.11, line 44 and line 48-col.12, line 30).

Claim 32 is met as previously discussed with respect to claim 8.

As to claim 33, Shoff further discloses identifying a particular future program; associating one or more script usage preferences with the identified program and storing the preferences (col.9, line 54-col.11, line 44 and line 48-col.12, line 30).

As to claim 34, the claimed “a script usage device (set-top box ‘STB’ 11) comprising...” contains the same structural elements as rejected claim 1.

Claim 35 is met as previously discussed with respect to claim 2.

Claim 36 is met as previously discussed with respect to claim 3.

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Claim 37 is met as previously discussed with respect to claim 5.

Claim 38 is met as previously discussed with respect to claim 5.

Claim 39 is met as previously discussed with respect to claim 6.

Claim 40 is met as previously discussed with respect to claim 7.

Claim 41 is met as previously discussed with respect to claim 8.

Claim 42 is met as previously discussed with respect to claim 9.

Claim 44 is met as previously discussed with respect to claim 11.

Claim 45 is met as previously discussed with respect to claim 12.

Claim 46 is met as previously discussed with respect to claim 30.

Claim 47 is met as previously discussed with respect to claim 31.

Claim 48 is met as previously discussed with respect to claim 8.

Claim 49 is met as previously discussed with respect to claim 32.

As to claim 50, note the **Shoff** reference figures 2 and 8, interactive entertainment system (ITV-System 20, fig.2 and 4) for presenting supplemental interactive content together with continuous video programs and further discloses and further discloses a system (Viewer Computing Unit 'VCU' 24 or STB 26) for automating user input in an interactive television system (ITV-System 20), comprising:

A first source (TV program Source via Tuner 98) configured to convey and interactive application to a receiver (VCU-24 or STB-26, fig.5 and col.8, lines 4-18);

A second source (Supplemental Content Source via Tuner/Modem 100) configured to convey added content to the receiver (VCU-24 or STB-26, fig.5 and col.8, lines 4-18); and

The receiver (VCU-24 or STB-26) coupled to the first source and the second source, where the receiver is configured to:

Providing an opportunity (Processor 92 displays Icon 204, other indicia, fig.8 and col.9, lines 30-53) for display of added content (Supplemental Interactive content, col.5, line 12-33), where provision of the added content is configured to be triggered by one or more user selections (Remote Control, mouse, etc., col.4, lines 27-34 and col.9, lines 54-59), note that the icon, other indicia on the screen informs the viewer that the program is interactive or includes supplemental content;

Executing a script which generates one or more automatic selections associated with the opportunity, the automatic selections comprising input to the interactive application that triggers provision of the added content, the input being input that would otherwise be received responsive to a viewer's active interaction, providing the added content for display in response to detecting the automatic selections (figs.6-9, col.4, lines 27-34, col.9, line 41-col.10, line 10 and line 24-col.12, line 38); note that the viewer unit (VCU), generating one or more automatic selections associated with the opportunity (see flow chart figs.6-7 and figs.8a-8c) and upon a user activating icon 204.

Furthermore, activating the script or Icon 204 displays the supplemental content as partly overlaid on the video program, or provided as a wrapper around or along side the program and automatic displays additional buttons 212-221 and second tier of information which are synchronized to the program according to timing information.

Claim 51 is met as previously discussed with respect to claim 2.

Claim 52 is met as previously discussed with respect to claim 3.

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Claim 53 is met as previously discussed with respect to claim 2.

Claim 54 is met as previously discussed with respect to claim 2.

Claim 55 is met as previously discussed with respect to claim 6.

Claim 56 is met as previously discussed with respect to claim 4.

Claim 57 is met as previously discussed with respect to claim 5.

Claim 58 is met as previously discussed with respect to claim 6.

Claim 59 is met as previously discussed with respect to claim 7.

Claim 60 is met as previously discussed with respect to claim 8.

Claim 61 is met as previously discussed with respect to claim 9.

Claim 63 is met as previously discussed with respect to claim 11.

Claim 64 is met as previously discussed with respect to claim 12.

Claim 65 is met as previously discussed with respect to claim 30.

Claim 66 is met as previously discussed with respect to claim 31.

Claim 67 is met as previously discussed with respect to claim 8.

Claim 68 is met as previously discussed with respect to claim 32.

As to claim 69, Shoff further discloses where the levels of added content comprises increasing levels of detail (col.5, lines 12-60, col.10, line 34-col.12, line 23).

Claim 70 is met as previously discussed with respect to claim 69.

Claim 71 is met as previously discussed with respect to claim 69.

Claim 72 is met as previously discussed with respect to claim 69.

As to claim 73, Shoff further discloses where the interactive application is configured to provide two or more levels of added content, the method further

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comprising: storing an indication of a desired level of added content to display during display of a TV program, where the automatic selection are based on the indication and the indication is not associated with any particular added content and providing the desired level of added content for display in response to detecting the automatic selections (figs.6-8c, col.5, lines 12-60, col.10, line 34-col.12, line 23).

As to claim 74, Shoff further discloses where the indication is applicable to all applications which provide an opportunity for display of the desired level of added content (col.5, lines 12-60, col.10, line 34-col.12, line 23).

Claim 75 is met as previously discussed with respect to claim 73.

Claim 76 is met as previously discussed with respect to claim 74.

Claim 77 is met as previously discussed with respect to claim 73.

Claim 78 is met as previously discussed with respect to claim 74.

Claim 79 is met as previously discussed with respect to claim 73.

Claim 80 is met as previously discussed with respect to claim 74.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang